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Security Council

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The Security Council,

Recalling its previous resolutions 1996 (2011), 2046 (2012), 2057 (2012), 2109 (2013), 2132 (2013), 2155 (2014), 2187 (2014), 2206 (2015), 2223 (2015), 2241 (2015), 2252 (2015), and 2302 (2016) and statements by its President S/PRST/2014/16, S/PRST/2014/26, S/PRST/2015/9, S/PRST/2016/1, and S/PRST/2016/3,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity, and national unity of the Republic of South Sudan, and *recalling* the importance of the principles of non-interference, good-neighbourliness, and regional cooperation,

Reiterating its grave alarm and concern regarding the political, security, economic, and humanitarian crisis in South Sudan, resulting from the internal Sudan People's Liberation Movement (SPLM) political dispute, and subsequent violence caused by the country's political and military leaders since December 2013, and *emphasizing* there can be no military solution to the situation in South Sudan and noting the "Agreement on the Resolution of the Conflict in the Republic of South Sudan" as the framework for durable peace, reconciliation and national cohesion in South Sudan,

Condemning in the strongest terms the fighting in Juba, South Sudan 8-11 July 2016, including attacks against civilians, United Nations personnel, premises and property, and *requesting* the Secretary-General expedite investigation into these attacks, *expressing deep concern* at the tense and fragile security situation in the rest of the country, including armed clashes and violence involving the Sudan People's Liberation Army (SPLA) and SPLA-In Opposition (SPLA-IO), and armed groups, *reminding* all parties of the civilian character of protection of civilians sites in South Sudan, and *recalling* resolution 2206 (2015), which states in part that those who engage in attacks against United Nations missions, international security presences, or other peacekeeping operations, or humanitarian personnel may be subject to sanctions,

Further condemning the clashes that took place at the United Nations Protection of Civilians site in Malakal, South Sudan on 17-18 February, and *requesting* the United Nations Secretariat to ensure that the lessons learned from that incident are applied in the future operation of the mission,

Commending the work of the United Nations Mission in the Republic of South Sudan (UNMISS), and *noting with concern* that the extensive resources needed to protect civilians at the United Nations Protection of Civilians sites has limited UNMISS's presence outside the United Nations Protection of Civilians sites,

Condemning the continued obstruction of UNMISS by the Transitional Government of National Unity of South Sudan, including severe restrictions on freedom of movement and constraints on mission operations which may be in violation of its obligations under the Status of Forces Agreement,

Strongly condemning all human rights violations and abuses and violations of international humanitarian law, including those involving extrajudicial killings, ethnically targeted violence, rape and other forms of sexual and gender-based violence, recruitment and use of children, enforced disappearances, arbitrary arrests and detention, violence aimed at spreading terror among the civilian population, targeting of members of civil society, and attacks on schools, places of worship, hospitals, and United Nations and associated personnel, by all parties, including armed groups and national security forces, as well as the incitement to commit such abuses and violations, *further condemning* harassment and targeting of civil society, humanitarian personnel and journalists, and *emphasizing* that those responsible for violations of international humanitarian law and violations and abuses of human rights must be held accountable, and that South Sudan's Transitional Government of National Unity bears the primary responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity,

Taking note of the decisions adopted by the Intergovernmental Authority on Development (IGAD) Plus Heads of State and Government in their 16 July 2016 Communique for deployment of a "regional protection force," the African Union Assembly 18 July 2016 communique endorsing the IGAD Plus Heads of State and Government 16 July 2016 communique, and the 5 August 2016 Communique of the Second IGAD Plus Extra-Ordinary Summit on the Situation in South Sudan which notes the Transitional Government of National Unity's consent to deployment of such a force in principle and *welcoming* the readiness expressed by member states in the region to increase their contribution of troops to UNMISS for this purpose,

Encouraging countries in the region, the African Union Peace and Security Council, and IGAD to continue firmly engaging with South Sudanese leaders to address the current political crisis,

Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that all parties immediately end the fighting throughout South Sudan, and *further demands that* South Sudan's leaders implement the permanent ceasefire declared in the Agreement on the Resolution of the Conflict in the Republic of South Sudan (Agreement) and ceasefires for which they respectively called on 11 July 2016, and ensure that subsequent decrees and orders directing their commanders control their forces and protect civilians and their property are fully implemented;

2. *Demands* that the Transitional Government of National Unity of South Sudan comply with the obligations set out in the Status of Forces Agreement

between the Government of South Sudan and the United Nations, and immediately cease obstructing UNMISS in the performance of its mandate, and *further demands* the Transitional Government of National Unity immediately cease obstructing international and national humanitarian actors from assisting civilians, and facilitate freedom of movement for the Ceasefire and Transitional Security Arrangements Monitoring Mechanism and *calls on* the Transitional Government of National Unity to take action, to deter, and to hold those responsible to account for, any hostile or other actions that impede UNMISS or international and national humanitarian actors;

3. *Urges* the Joint Monitoring and Evaluation Commission (JMEC), the Intergovernmental Authority on Development (IGAD), the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM), UNMISS, and the parties to the Agreement to convene a Permanent Ceasefire and Transitional Security Arrangements workshop in Juba to determine by 31 August 2016 the maximum number, type and armaments of security forces to remain in Juba and to assist in executing and verifying the redeployment of those forces and armaments to agreed locations by 15 September 2016 and *further urges* the IGAD, the Joint Monitoring and Evaluation Commission, UNMISS and the parties to the Agreement to review the status of the Joint Military Ceasefire Commission, the CTSAMM, the Joint Operations Center, the Joint Integrated Police, the Strategic Defense and Security Review, the National Architecture, cantonment, and the unification of forces and to develop revised proposals to ensure their efficacy by 30 September 2016;

4. *Decides* to extend the UNMISS mandate, as set out in resolution 2252 (2015), until 15 December 2016, and *authorizes* UNMISS to use all necessary means to carry out its tasks;

5. *Emphasizes* that protection of civilians must be given priority in decisions about the use of available capacity and resources within the mission, *stresses* that UNMISS's mandate as set out in paragraph 8 of resolution 2252 (2015) includes authority to use all necessary means to protect United Nations personnel, installations and equipment to deter violence especially through proactive deployment and active patrolling, to protect civilians from threats, regardless of source, to create conditions conducive to delivery of humanitarian assistance by international and national actors, and support implementation the Agreement, and *stresses* that such actions include, but are not limited to, within UNMISS's capacity and areas of deployment, defending protection of civilians sites, establishing areas around the sites that are not used for hostile purposes by any forces, addressing threats to the sites, searching individuals attempting to enter the sites, and seizing weapons from those inside or attempting to enter the sites, removing from and denying entry of armed actors to the protection of civilians sites;

6. *Requests* the Secretary-General to take all appropriate steps and, in consultation with troop and police contributing countries, to identify options, including seeking the support of Member States, to enhance the safety and security of UNMISS's personnel to enable UNMISS to execute effectively its mandate in a complex security environment, including through improving UNMISS's early warning, surveillance, and information gathering capacities, enhancing quick response and crisis management capacity, including providing appropriate training and equipment, implementing more effective casualty and medical evacuation procedures, and taking active and effective steps to improve the planning and functioning of UNMISS's safety and security facilities and arrangements;

7. *Recalls* its resolution 2086 (2013) and *reaffirms* the basic principles of peacekeeping, as set forth in Presidential Statement S/PRST/2015/22, including consent of the parties, impartiality, and non-use of force, except in self-defence and defence of the mandate, and *recognizes* that the mandate of each peacekeeping mission is specific to the need and situation of the country concerned;

8. *Decides* further that UNMISS shall include, consistent with paragraph 7 above, a Regional Protection Force established for an initial period until 15 December 2016, which will report to the overall UNMISS Force Commander, to be based in Juba, with the responsibility of providing a secure environment in and around Juba, including in support of the outcomes of the Permanent Ceasefire and Transitional Security Arrangements Workshop, and *in extremis* in other parts of South Sudan as necessary, and *stresses* that the Regional Protection Force will carry out its mandate, as set forth in paragraph 10, impartially and in strict compliance with international law, including, as applicable, international humanitarian law;

9. *Stresses* the critical importance that the Regional Protection Force has a clear, conditions-based exit strategy and *express its intent* to consider the presence of the Regional Protection Force in light of the changing situation on the ground;

10. *To advance* in cooperation with the Transitional Government of National Unity the safety and security of the people of South Sudan and to create an enabling environment for implementation of the Agreement, *authorizes* the Regional Protection Force to use all necessary means, including undertaking robust action where necessary and actively patrolling, to accomplish the Regional Protection Force's mandate, to:

(a) Facilitate the conditions for safe and free movement into, out of, and around Juba, including through protecting the means of ingress and egress from the city and major lines of communication and transport within Juba;

(b) Protect the airport to ensure the airport remains operational, and protect key facilities in Juba essential to the well-being of the people of Juba, as identified by the Special Representative of the Secretary-General;

(c) Promptly and effectively engage any actor that is credibly found to be preparing attacks, or engages in attacks, against United Nations protection of civilians sites, other United Nations premises, United Nations personnel, international and national humanitarian actors, or civilians;

11. *Requests* the Regional Protection Force to carry out these tasks as determined by the Special Representative of the Secretary-General, *recognizes* that full and unrestricted freedom of movement is essential for the Regional Protection Force to carry out these tasks and *demands* the government provide support as needed for the Regional Protection Force to fulfill its mission and *calls upon* IGAD countries to continue to insist that the South Sudanese fulfil their commitments in this regard;

12. *Notes* consultations between the Transitional Government of National Unity and the states of the region referenced in the 5 August 2016 Communique of the Second IGAD Plus Extra-Ordinary Summit on the Situation in South Sudan, *expresses its intention* to review the results of these consultations and to consider potential action, including any appropriate updates to the mandate of the Regional Protection Force, arising from the results of those consultations;

13. *Urges* member states in the region to expedite contributions of rapidly deployable troops to ensure the full deployment of the Regional Protection Force as soon as possible;

14. *Decides* to increase the force levels of UNMISS up to a ceiling of 17,000 troops, including 4,000 for the Regional Protection Force, and *requests* the Secretary-General to take the necessary steps to expedite force and asset generation;

15. *Requests* the Secretary-General to strengthen UNMISS's strategic communications capacity to undertake messaging on the ongoing impartial nature of UNMISS activities, including those of its Regional Protection Force;

Reports

16. *Requests* that the Secretary-General provide detailed information within 30 days on force generation, restructuring of the UNMISS force, logistical support and enablers, and civilian personnel to implement the mandate, as well as whether the Transitional Government of National Unity has maintained its consent in principle to deployment of the Regional Protection Force and not imposed any political or operational impediments to operationalizing the Regional Protection Force or obstructed UNMISS in the performance of its mandate, and *requests* the Secretary-General to review needs on the ground, and provide an updated assessment of the Regional Protection Force's operations, deployment, and future requirements, as well as any political or operational impediments to operationalizing the Regional Protection Force and obstructions to UNMISS in performance of its mandate, within 30 days after the adoption of this resolution, and every 30 days thereafter;

17. *Decides* that if in any of the reports pursuant to paragraph 16 above the Secretary General reports political or operational impediments to operationalizing the Regional Protection Force or obstructions to UNMISS in performance of its mandate, due to the actions of the Transitional Government of National Unity, within five days of receipt of such report it shall consider appropriate measures including those measures described in the draft resolution in Annex;

18. *Requests* the Secretary-General to report to the Council on implementation of the UNMISS mandate including UNMISS' Regional Protection Force, and to present the recommendations on the steps to adapt UNMISS to the situation on the ground and to increase efficiency of the implementation of its mandate in a comprehensive written report covering issues including strengthening safety and security of United Nations personnel and facilities to be submitted within 90 days of the date of adoption of this resolution, and further expresses its intention to consider the Secretary-General's recommendations within the context of the next UNMISS mandate extension;

19. *Decides* to remain seized of the matter.

Annex — Draft Resolution

Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

Arms Embargo

1. *Decides* that, for a period of one year from the date of adoption of this resolution, all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the territory of South Sudan, including to the Government of South Sudan or the SPLA-IO, from or through member state's territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories;

2. *Decides* that the measure imposed in paragraph 1 of this resolution shall not apply to the supply, sale or transfer of:

   a) Arms and related materiel, as well as training and assistance, intended solely for support of or use by UN personnel, including UNMISS and the United Nations Interim Security Force for Abyei (UNISFA);

   b) Non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as notified in advance to the Committee;

   c) Protective clothing, including flak jackets and military helmets, temporarily exported to South Sudan by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

   d) Arms and related materiel temporarily exported to South Sudan by the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the protection or evacuation of its nationals and those for whom it has consular responsibility in South Sudan, as notified to the Committee;

   e) Arms and related materiel, as well as technical training and assistance, to or in support of the African Union Regional Task Force intended solely for regional counter-LRA operations, as notified in advance to the Committee;

   f) Arms and related materiel, as well as technical training and assistance, solely in support of the implementation of the terms of the peace agreement, as approved in advance by the Committee;

   g) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee;

3. *Stresses* the importance that notifications or requests for exemptions pursuant to paragraph 2 above contain all relevant information, including the purpose of

the use, the end user, the technical specifications and quantity of the equipment to be shipped and, when applicable, the supplier, the proposed date of delivery, mode of transportation and itinerary of shipments;

Inspections

4. *Underscores* that arms shipments in violation of this resolution risk fueling conflict and contributing to further instability, and *strongly urges* all Member States to take urgent action to identify and prevent such shipments within their territory;

5. *Calls upon* all Member States, in particular States neighbouring South Sudan, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to South Sudan, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, or transfer of which is prohibited by paragraph 1 of this resolution for the purpose of ensuring strict implementation of these provisions;

6. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items the supply, sale, or transfer of which is prohibited by paragraph 1 of this resolution, seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) of such items and *decides* further that all Member States shall cooperate in such efforts;

7. *Requires* any Member State when it undertakes an inspection pursuant to paragraph 5 of this resolution, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspections, the results of such inspections, and whether or not cooperation was provided, and, if prohibited items for supply, sale, or transfer are found, further *requires* such Member States to submit to the Committee within 30 days a subsequent written report containing relevant details of the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

Panel of Experts and Sanctions Committee

8. *Decides* that the tasks of the Committee established pursuant to resolution 2206 (2015) shall also include examining and taking appropriate action on information regarding alleged violations or non-compliance with the measures imposed by paragraph 1 of this resolution;

9. *Decides* further that the tasks of the Panel of Experts established pursuant to resolution 2206 shall also include gathering, examining and analyzing information regarding the implementation of the measure in paragraph 1 of this resolution, and reporting to the Committee;

10. *Decides* to remain seized of the matter.